

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEAMFITTERS LOCAL UNION No. 420,

Plaintiff,

v.

MALLINCKRODT ARD LLC and UNITED
BIOSOURCE LLC,

Defendants.

Case No. 2:19-cv-03047-BMS

District Judge Berle M. Schiller

STIPULATED DISMISSAL OF MALLINCKRODT ARD LLC

WHEREAS, two lawsuits were filed in this Court, captioned *United States ex rel. Strunk and Pratta v. Mallinckrodt ARD, Inc.*, No. 12-CV-0175 (E.D.Pa.) (“*Strunk & Pratta Action*”), and *United States of America ex rel. Clark v. Questcor Pharmaceuticals, Inc.*, No. 13-CV-1776 (E.D.Pa.) (“*Clark Action*”) (collectively, the “*Qui Tam Actions*”).

WHEREAS, on June 13, 2017, the Fourth Amended Qui Tam Complaint was filed under seal in the *Qui Tam Actions*. (*Qui Tam Actions*, ECF No. 40.)

WHEREAS, on March 6, 2019, the United States decided to intervene in the *Qui Tam Actions* with respect to certain claims, and asked the Court to unseal the Fourth Amended Complaint. (*Qui Tam Actions*, ECF No. 55.)

WHEREAS, on June 4, 2019, the United States filed a Complaint in Intervention, setting forth the claims it was pursuing against Mallinckrodt. (*Qui Tam Actions*, ECF No. 57.)

WHEREAS, on July 3, 2019, this Court granted the government’s motion to consolidate the *Qui Tam Actions*, and terminated Mallinckrodt plc as a defendant. (*Qui Tam Actions*, ECF No. 70.)

WHEREAS, in August 2019, Mallinckrodt settled a portion of the government’s claims in the *Qui Tam Actions* relating to certain “Covered Conduct” from January 1, 2009 to December 31, 2013 for \$15.4 million and no admission of liability. (*Qui Tam Actions*, ECF No. 74-1.)

WHEREAS, on July 12, 2019, Steamfitters Local Union No. 420 (“Steamfitters”), on its own behalf and on behalf of a putative class of similarly situated purchasers of Acthar[®] Gel, filed the operative complaint in this action against (a) Mallinckrodt ARD LLC (“Mallinckrodt”) on the one hand and (b) United BioSource LLC on the other hand.¹ Steamfitters’ claims included the conduct alleged in the *Qui Tam Actions*, including claims set forth in the Complaint in Intervention, as well as other conduct not alleged in such Complaint.

WHEREAS, on October 12, 2020, Mallinckrodt and affiliated entities filed for bankruptcy in the Bankruptcy Court for the District of Delaware.

WHEREAS, on June 16, 2022, the Plan of Reorganization, previously confirmed by the Bankruptcy Court, became effective (the “Effective Date”) and discharged all claims against Mallinckrodt before the Effective Date.

WHEREAS, on January 4, 2023, this Court ordered, “any stipulation to dismiss Plaintiffs’ claims against Mallinckrodt (or any portion of those claims) shall be filed on or before Friday, February 3, 2023.”²

IT IS HEREBY STIPULATED, AGREED AND ORDERED that Mallinckrodt is dismissed from this action with prejudice because the claims currently pled against Mallinckrodt in Steamfitters’ Complaint are pre-petition, pre-Effective Date claims covered by the Bankruptcy Court’s discharge order. In entering this Stipulation of Dismissal, Steamfitters reserves all rights to pursue its claims against co-defendant, United BioSource LLC.

¹ Complaint, July 12, 2019, Dkt. 1.

² Amended Scheduling Order, January 4, 2023, Dkt. 111.

IT IS FURTHER STIPULATED, AGREED AND ORDERED that Mallinckrodt will bear its own costs incurred in defense of this litigation.

Dated: January 17, 2023

Respectfully submitted,

/s/ Donald E. Haviland, Jr.

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***Counsel for Defendant Mallinckrodt ARD
LLC***

IT IS SO ORDERED on this 18th day of January 2023:



District Judge Berle M. Schiller